

REMARKS

Applicants appreciate the thoroughness with which the Examiner has examined the above-identified application. Reconsideration is requested in view of the amendments above and the remarks below.

Allowable Subject Matter

The Examiner has allowed claims 17-19. The Examiner has objected to claims 6, 8, and 12 as being dependent upon a rejected base claim, but would allow them if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants appreciate the Examiner's allowance, and have added new claims 20, 21, and 22, corresponding to claims 6, 8, and 12, respectively, as written in independent form. Applicants have cancelled claims 6, 8, and 12.

Rejections under 35 U.S.C. § 103

Claims 1, 3-5, 7, 9-11, 15 and 16 stand rejected under 35 U.S.C. § 103(a) as being obvious from Morris (U.S. Patent No. 6,058,635), in view of Chien (U.S. Patent No. 5,775,016). Applicant respectfully traverses this rejection.

The Examiner states that Morris does not disclose, *inter alia*, the following: a) the channel substantially traversing the maximum outer periphery of the frame members (as recited in claim 1); b) the U-shaped channel being integrally formed with the first side face (as recited in claim 3); and c) the U-shaped being secured to the first side face (as recited in claims 4 and 15). Applicants concur.

The Examiner states that the foregoing deficiencies of Morris would have been obvious to one of ordinary skill in the art, to wit: the door frame including a U-shaped channel being integrally formed with, or secured to, the first side face, would have been obvious in that the aperture structure 24 and 25 of Morris was an equivalent structure known in the art. Applicants respectfully disagree.

Obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, *absent some teaching, suggestion, or incentive supporting the combination*. In re Geiger, 815 F.2d 686, 688, 2 USPQ2d 1276, 1278 (Fed. Cir. 1987) (citing, ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984) (emphasis added)). Absent such a showing in the prior art, the Examiner has impermissibly used the applicants' teaching to hunt through the prior art for the claimed elements and combine them as claimed, but even in such an impermissible hunt, applicants' invention has not been uncovered. In re Zurko, 111 F.3d 887, 42 USPQ2d 1476 (Fed. Cir. 1997).

Neither prior art of Morris or Chien teaches a modified doorframe adapted to receive electroluminescent strips inside a U-shaped channel attached to, or integrally formed with, the doorframe side faces and lintel face. Nor does either prior art teach a peripheral illumination about a doorframe as taught, suggested, and disclosed by the present invention. The present invention is designed with this attribute.

The U-shaped channel in each frame member allows the electroluminescent strip to be recessed in the front faces of each frame member continuously around the egress doorframe, such that when power is applied to the electroluminescent strips, the egress doorframe is illuminated *contiguously about or within its maximum periphery*.
Specification, p.9, ll.7-10 (emphasis added).

The cited prior art of Morris and Chien do not teach, suggest, or disclose, whatsoever, a channel substantially traversing the maximum outer periphery of the doorframe members. Moreover, the aperture structure of Morris (24, 25) cannot lend itself to peripheral illumination. The apertures of Morris are cutouts of the doorframe, and if made to be peripheral, would substantially weaken the doorframe structure. Morris could not have intended to have cutout apertures surround the periphery of the doorframe. If one were to use the Morris doorframe for illumination, as taught and suggest by Figs. 1, 2 and 3, there would be only three small, non-peripheral cutout apertures available for receiving the electroluminescent strips of Chien. It is the applicants' understanding that the Examiner is suggesting the electroluminescent strips of Chien be placed peripherally about the doorframe of Morris. The combination is necessary since Chien does not disclose, teach, or suggest any illumination about a doorframe's periphery. However, since Morris does not teach peripheral illumination, and would have questionable structural integrity if the apertures were peripherally applied, the prior art combination fails to teach the present invention.

In either a single prior art situation or a plural prior art situation combining references, the assertion of obviousness, if reasonable in light of what the prior art substantively shows and teaches, is defined as a showing of prima facie obviousness. It is the burden of the PTO to establish a prima facie case of obviousness when rejecting claims under 35 U.S.C. § 103. In re Reuter, 651 F.2d 751, 210 USPQ 249 (CCPA 1981). For the reasons cited above, applicants respectfully submit that the Examiner has not shown prima facie obviousness of the invention.

It is respectfully submitted that the application is in a condition where allowance of the entire case is proper. Reconsideration and issuance of a notice of allowance are respectfully solicited.

Respectfully submitted,



Robert Curcio
Reg. No. 44,638

DeLIO & PETERSON, LLC
121 Whitney Avenue
New Haven, CT 06510-1241
(203) 787-0595

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Name: Barbara Browne
aadg100001000amdB

Date: June 23, 2006

Signature: Barbara Browne